?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 10.10.2018

*CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

+Crl.O.P.(MD).No.1346 of 2015
and
MP(MD).Nos.1 & 2 of 2015

#Krishnamoorthi ....Petitioner/11th Accused

Vs

$S.Perumal ....Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in C.C.No.170 of 2013 on the file of the learned Judicial Magistrate No.I, Kulithalai and quash the same with regard to the petitioner.

!For Petitioner : Mr.R.M.Sivakumar

^For Respondent :Mr.P.Srinivas

:ORDER

This criminal original petition has been filed to call for the records pertaining to the proceedings in C.C.No.170 of 2013 on the file of the learned Judicial Magistrate No.I, Kulithalai and quash the same with regard to the petitioner.

2.The learned counsel for the petitioner would submit that on the date of alleged occurrence, the petitioner was not an head constable and he was working as a Special Sub Inspector and had reported to duty to the Deputy Superintendent of Police, Armed Reserve, Karur on 19.02.2012 at 12.05 p.m. Therefore, he seeks to quash the criminal proceedings.

3.The learned counsel appearing for the respondent would submit that the points raised by the petitioner are question of facts. Therefore, this Court cannot consider the points raised by the petitioner under Section 482 Cr.P.C. Hence, he seeks to dismissal of this quash petition.

4.It is seen from the records that the grounds raised by the petitioner are question of facts. Therefore, it cannot be entertained to quash the criminal case. The grounds raised by the petitioner has to be looked into only during the trial and also the documents submitted herein are to be tested during the trial.

5.In view of the above, this Court is not inclined to quash the proceedings in C.C.No.170 of 2013 on the file of the learned Judicial Magistrate No.I, Kulithalai. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. However, the personal appearance of the petitioner before the trial Court is dispensed with, except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioner to appear before the Court.

To
The Judicial Magistrate No.I
Kulithalai